

**ASSEMBLY BILL**

**No. 3**

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**Introduced by Assembly Member Villines**

November 13, 2008

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An act to amend Section 6 of Chapter 761 of the Statutes of 2008, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Villines. State property: CEQA exemptions.

Existing law authorizes the Director of General Services to sell, exchange, sell combined with an exchange, or lease for fair market value, upon those terms and conditions determined by the director to be in the best interests of the state, 9 parcels of state property. The “as-is” sale, exchange, sale, sale combined with an exchange, or transfer of those 9 parcels are exempt from certain provisions of the California Environmental Quality Act (CEQA). If the sale, exchange, sale combined with an exchange, or transfer of any of those parcels is not an “as-is” sale and close of escrow is contingent on satisfying a local governmental approval for entitlement or land use requirements, including compliance by the local government with certain provisions of CEQA, then the execution of the purchase and sale agreement or exchange agreement is exempt from those provisions of CEQA.

This bill would include additional state properties in the above-described CEQA exemptions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6 of Chapter 761 of the Statutes of 2008 is amended to read:

SEC. 6. (a) A notice of every public auction or bid opening shall be posted on ~~a~~ any property to be sold under Section 5 of ~~this act~~ Chapter 761 of the Statutes of 2008 and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated.

(b) (1) An “as-is” sale, exchange, sale, sale combined with an exchange, or transfer of ~~a parcel described in Section 5 of this act~~ any parcel described in Section 5003.16 of the Public Resources Code, Section 9 of Chapter 731 of the Statutes of 1998, and Sections 5 and 13 of Chapter 761 of the Statutes of 2008 is exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code. However, the buyer or transferee of a parcel shall be subject to any local governmental entitlement or land use approval requirements, and that buyer or transferee shall be subject to the requirements of Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

(2) If a sale, exchange, sale combined with an exchange, or transfer of any parcel described in Section 5003.16 of the Public Resources Code, Section 9 of Chapter 731 of the Statutes of 1998, and Sections 5 and 13 of Chapter 761 of the Statutes of 2008 is not an “as-is” sale and close of escrow is contingent on satisfying a local governmental approval for entitlement or land use requirements, including compliance by the local government with Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code, then the execution of the purchase and sale agreement or exchange agreement is exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

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